

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Abingdon Division**

**MATHEW R. DUGGER,**

**Plaintiff,**

**v.**

**Case No. 1:23-cv-00039-JPJ-PMS**

**JENNIFER MAYS,**

**Defendant.**

**DEFENDANT'S MOTION TO DISMISS PURSUANT TO RULES 12(b)(1) AND 12(b)(6)**

Defendant Jennifer Mays, by counsel and pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), hereby moves to dismiss Plaintiff Mathew R. Dugger's complaint (ECF No. 2) for lack of jurisdiction and for failure to state a claim upon which relief may be granted. The reasons supporting this Motion are set forth in the accompanying Memorandum of Law.

Respectfully submitted,

**JENNIFER MAYS**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd of November, 2023, the foregoing was filed with the Clerk of Court using the CM/ECF system. I also certify that a copy of the foregoing was mailed to the Plaintiff, a non-CM/ECF user, by USPS first class mail and sent by email on the same day to the following addresses:

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